IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2006

CORAM

THE HONOURABLE MR. JUSTICE P. JYOTHIMANI

W.P.No. 24752 of 2006
and
M.P.No.1 of 2006

S.C.Krishnan .. Petitioner

Vs

1. The District Level Vigilance Committee
rep. by its Chairman and District Collector,
Krishnagiri District.

2. The District Collector
Krishnagiri District.

3. The Assistant Director
National Silk Board,
Gangachatiram Village,
Gourparapalli Post,
Krishnagiri - 635 115. .. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of proceedings, dated 19.07.2006 in Na.Ka.34243/04(L3) on the file of first respondent and quash the same and forbear the respondents from conducting any further enquiry for verification of the petitioner's community status.

For Petitioner : Mr.G.Vivekanand
For Respondent : Mr.A.Edwin Prabhakar, GA

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O R D E R

This writ petition has been filed challenging the proceedings initiated by the first respondent, the District Level Vigilance Committee, dated 19.07.2006, under which the petitioner is called for an enquiry in respect of proving his community as Adi Dravidar Community.

2. The case of the petitioner is that when there was a complaint

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about him, an enquiry was conducted by the Revenue Department, the Revenue Divisional Officer by his proceedings, dated 15.04.1998 after elaborate enquiry completed the investigation and found that the petitioner belongs to Adi Dravidar Community. Subsequently, the second respondent also by his proceedings, dated 12.04.1999 has decided in his enquiry that the allegation made against the petitioner has not been proved and it is to be wrong.

3. According to the learned counsel for the petitioner, once the enquiry was conducted by the Revenue Divisional Officer as well as the second respondent, the District Collector has found on material that the petitioner belongs to Adi Dravidar Community, there is absolutely no need to initiate further proceedings once again.

4. The petitioner apprehends that the third respondent, under whom the petitioner is employed is interfering with his employment, in view of the proceedings initiated by the first respondent.

5. I have heard the learned counsel for the petitioner and the learned Government Advocate.

6. On the face of it, I am satisfied that it is the first respondent, who is the authority in law to verify the genuineness of the certificate. The petitioners case itself is that the second respondent on enquiry found that some complaint received against the petitioner was wrong and ultimately states that the petitioner belongs to Adi Dravidar Community. I am of the considered view that the petitioner should appear before the first respondent, who is the legally constituted committee, when once the first respondent is the authority in verifying the genuineness of the same. In view of the same, there is nothing to be interfered with the show cause notice issued by the first respondent. It is for the petitioner to appear before the first respondent and prove the genuineness of the case, based on the District Collector's Order dated 12.04.1999.

7. While dismissing the writ petition, it is made clear that till the first respondent committee , which is the legally constituted committee relating to the verification of the communal status to the petitioner submits the report, the third respondent, who is the employer shall not interfere with the employment of the petitioner.

8. It is needless to state that the first respondent has to take into consideration the second respondent order dated 12.04.1999 and also the Revenue Divisional Officer proceedings, dated 15.04.1998 stated to have been issued by the enquiry conducted on him.

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8. The writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

tsvn

To

1. The Chairman and District Collector
   District Level Vigilance Committee
   Krishnagiri District.

2. The District Collector
   Krishnagiri District.

3. The Assistant Director
   National Silk Board,
   Gangachatiram Village,
   Gourparapalli Post,
   Krishnagiri - 635 115.

+1cc to the Govt. Pleader, Sr 35245
+1cc to Mr.G.Vivekanand, Advocate Sr 35021

JSK (CO)
km/8.8.

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